

EXHIBIT D

From: John Anthony Castro, J.D., LL.M. <j.castro@castroandco.com>
Sent: Monday, July 24, 2023 1:48 PM
To: Kleine, Benjamin <bkleine@cooley.com>
Subject: RE: Castro v. John Doe 1 - Wikimedia subpoena

[External]

Hi Ben,

I appreciate Chetsford's willingness to provide an affidavit asserting he is not being paid by or coordinating with any third parties. However, assuming this is true, it only makes the issue of malice that much more extreme. Please let me explain.

Chetsford being paid by a third-party would be shrugged off by me as mere business; not personal. However, his assertion that this was not a business transaction leaves only the conclusion that this is incredibly personal.

If you review the talk page, it shows someone deeply obsessed with all of my ongoing litigation and wanting to write his opinions on primary sources like a journalist against the objections of other editors. His writings ignore the ongoing appeals and distorts the truth to the public. At every turn, Chetsford has used his status as an Editor to maliciously distort events and quotes. He is still claiming I used "ActBlue" to raised funds even though that is verifiably untrue and the citation he references doesn't support that. Let me repeat that: his citation does not support his false assertion I raised funds via ActBlue. In fact, I did not raise a single dollar because I entirely self-financed my Congressional campaign. His maliciously false contributions reveal a conscious effort to paint me as some sort of Democratic mole that's infiltrated the Republican Party. That's just one of many things. As a whole, a judge/jury would be convinced he acted maliciously. That's not a reasonable interpretation of the article as nothing in that article supports his false assertions.

Based on all of that, I will be filing a Motion to Compel. I am absolutely confident this case will be the first to set precedent on unmasking a malicious Wikipedia Editor. In the long-term, it will ensure that other Wikipedia Editors do not let their personal biases interfere with their contributions and promote better self-regulation.

On a side note, the U.S. intelligence agencies' attorneys are not the best; B average law school grads. You'll likely win at the district court level because lower court judges always get things like this wrong, but I'm confident the 9th Circuit will overturn it. Just fyi, I'm going into this with federal appeals in mind, including a Writ to SCOTUS. Attached is the brief I submitted pro se in the 11th Circuit case against Trump. I really enjoy breaking new grounds and holding bullies like Chetsford accountable to the law.

We'll see where the cards land.



John Anthony Castro
International Tax Attorney
Founding Partner, Castro & Co.

+1 202 792 6600 | J.Castro@CastroAndCo.com
www.CastroAndCo.com

13155 Noel Road, Ste 900, Dallas, TX 75240
30 Broad Street, Ste 400, New York, NY 10004
701 Brickell Avenue, Ste 1550, Miami, FL 33131
355 South Grand Avenue, Ste 2450, Los Angeles, CA 90071
1701 Pennsylvania Ave NW, Ste 200, Washington, DC 20006



Confidentiality: The information transmitted herein is intended only for the person(s) or entity to which it is addressed and may contain confidential material and/or it may constitute an attorney-client communication that is privileged at law. Any review, or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited. If you received this electronic mail transmission in error, please contact the sender and delete the material from your computer without copying it. Thank you for your cooperation. This transmission is neither intended, nor shall it be construed, to provide legal advice, create an attorney-client relationship, or include my signature.

Texas Notice: I am not a Texas lawyer licensed to practice Texas state-specific law, such as oil and gas legal matters, and may not give advice or accept fees regarding Texas law that is unrelated to tax matters. I may, however advise on matters associated with the Texas Franchise Tax since it is part of annual tax compliance and ancillary to your U.S. federal income tax return. In addition, I may advise on Texas trusts and estate matters as they relate to past, current, or future U.S. estate tax exposure.

Legal Disclosure: Any tax advice contained in this communication, including attachments, was not written to be relied upon as legal advice for the purpose of avoiding tax-related penalties under the Internal Revenue Code. If you would like a written tax opinion upon which you can legally rely for the purpose of avoiding penalties, please request one.

From: Kleine, Benjamin <bkleine@cooley.com>
Sent: Wednesday, July 19, 2023 2:39 PM
To: John Anthony Castro, J.D., LL.M. <j.castro@castroandco.com>
Subject: RE: Castro v. John Doe 1 - Wikimedia subpoena

John – are you available tomorrow to talk? I have some information that I think you might be interested in.

From: John Anthony Castro, J.D., LL.M. <j.castro@castroandco.com>
Sent: Friday, July 14, 2023 12:48 PM
To: Kleine, Benjamin <bkleine@cooley.com>
Subject: RE: Castro v. John Doe 1 - Wikimedia subpoena

[External]

Ben,

Agreed. However, please note that time is of the essence. We are in a time crunch to expedite this civil action to try to have it before a jury before the end of the year. As such, I will reschedule the Motion to Compel to be filed on Friday, July 21, at 5pm CT. If we cannot come to an agreement by then, I will have to assume no agreement can or will be reached.



John Anthony Castro
International Tax Attorney
Founding Partner, Castro & Co.

+1 202 792 6600 | J.Castro@CastroAndCo.com
www.CastroAndCo.com

13155 Noel Road, Ste 900, Dallas, TX 75240
30 Broad Street, Ste 400, New York, NY 10004
701 Brickell Avenue, Ste 1550, Miami, FL 33131
355 South Grand Avenue, Ste 2450, Los Angeles, CA 90071
1701 Pennsylvania Ave NW, Ste 200, Washington, DC 20006



Confidentiality: The information transmitted herein is intended only for the person(s) or entity to which it is addressed and may contain confidential material and/or it may constitute an attorney-client communication that is privileged at law. Any review, or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited. If you received this electronic mail transmission in error, please contact the sender and delete the material from your computer without copying it. Thank you for your cooperation. This transmission is neither intended, nor shall it be construed, to provide legal advice, create an attorney-client relationship, or include my signature.

Texas Notice: I am not a Texas lawyer licensed to practice Texas state-specific law, such as oil and gas legal matters, and may not give advice or accept fees regarding Texas law that is unrelated to tax matters. I may, however advise on matters associated with the Texas Franchise Tax since it is part of annual tax compliance and ancillary to your U.S. federal income tax return. In addition, I may advise on Texas trusts and estate matters as they relate to past, current, or future U.S. estate tax exposure.

Legal Disclosure: Any tax advice contained in this communication, including attachments, was not written to be relied upon as legal advice for the purpose of avoiding tax-related penalties under the Internal Revenue Code. If you would like a written tax opinion upon which you can legally rely for the purpose of avoiding penalties, please request one.

From: Kleine, Benjamin <bkleine@cooley.com>
Sent: Friday, July 14, 2023 2:41 PM
To: John Anthony Castro, J.D., LL.M. <j.castro@castroandco.com>
Subject: RE: Castro v. John Doe 1 - Wikimedia subpoena

You don't often get email from bkleine@cooley.com. [Learn why this is important](#)

John,

Thanks for the email. I am in the process of getting up to speed on the facts and allegations, and need to discuss with my client the points and proposals you've made below. So that we can have a good faith meet and confer about possibilities for resolving the dispute, I would ask that you not file any motion until after it appears we cannot reach a resolution. I will aim to follow-up with you next week.

Best regards,
Ben

From: John Anthony Castro, J.D., LL.M. <j.castro@castroandco.com>
Sent: Thursday, July 13, 2023 9:50 AM
To: Kleine, Benjamin <bkleine@cooley.com>
Subject: RE: Castro v. John Doe 1 - Wikimedia subpoena
Importance: High

[External]

Hi Benjamin,

The attached affidavit evidencing proof of service was filed with the court this morning as evidenced by the attached CM/ECF email.

Cal. Civ. Proc. Code § 1985.3 is Inapplicable to Nonprofits

Wikipedia does not qualify as any of the listed professional that may possess personal records pursuant to Cal. Civ. Proc. Code § 1985.3(a)(1). As such, the objection is inappropriate.

Furthermore, Wikipedia does not provide consumer services. Chetsford is neither a consumer nor a user of any commercial services provided by Wikipedia. Wikipedia does not provide services to Chetsford as contemplated by Cal. Civ. Proc. Code § 1985.3. Therefore, in accordance with the history of California legislative intent, it is our position that this rule is inapplicable.

Additionally, this is a John Doe lawsuit making service on the individual next to impossible. Moreover, we can show compliance with the spirit of the rule given Joe Sutherland's admission that Wikimedia has already informed Chetsford of this action (see attached email). That would render the purpose of notice behind Cal. Civ. Proc. Code § 1985.3 inapplicable even if a court were to be inclined to agree that it's applicable. Any judgment that it was applicable would be appealed and easily reversed.

No Standing to Raise Privacy Concerns

Separately, I know that the courts will not entertain any First Amendment or privacy objections since you lack standing to raise those issues on behalf of Chetsford. Even if a court entertained this, the Verified Complaint makes it clear that Chetsford engaged in a paid attack on me. I've attached the Verified Complaint for your review.

Relevance and Undue Burden

The information is indisputably relevant, and compliance is not even remotely burdensome. Both of these positions are wholly without merit.

Proposed Agreement

That being said, I understand Wikimedia Foundation's concerns. You want a protective order or guarantee that this information will not be publicized and not used for an improper purpose. I think a protective order would still tell the public that the information was provided to us, which seems to conflict with your other request that any sharing of information from Wikimedia Foundation to me be subject to non-disclosure. I understand Wikimedia's concern that this could have a chilling effect on other Wikipedia editors and result in reduced participation by unpaid editors. However, please understand my concern that I wish to communicate to Wikipedia Editors that corruption and paid hit jobs will not be tolerated.

Nevertheless, I can agree to an NDA that includes provisions restricting the use of the information and subject to liquidated damages or some other punitive measure.

To provide assurance on its use, I feel its important for me to share my intentions. My target is not Chetsford. In fact, my goal is to get Chetsford to agree to testify against the Trump campaign that I know paid him to do this. The goal is to use this civil action to bankrupt the Trump reelection campaign. That being said, you can rest assured there is no personal animosity toward Chetsford. I need to befriend him in order for this to work.

Please indicate your agreement to these terms.

Next Steps without Agreement

If I do not hear back by Friday at 5pm CT, I will file a formal Motion to Compel after which you will likely file Motion for a Protective Order in the U.S. District Court for the Northern District of California. I love San Francisco and would not mind traveling to the city for the court hearing. However, I don't think this would be good publicity for Wikimedia Foundation. I think it would be great publicity for me as I would immediately inform the media that the Wikimedia Foundation is protecting a hired Editor by Trump who defamed me by weaponizing Wikipedia.



John Anthony Castro
International Tax Attorney
Founding Partner, Castro & Co.

+1 202 792 6600 | J.Castro@CastroAndCo.com
www.CastroAndCo.com

13155 Noel Road, Ste 900, Dallas, TX 75240
30 Broad Street, Ste 400, New York, NY 10004
701 Brickell Avenue, Ste 1550, Miami, FL 33131
355 South Grand Avenue, Ste 2450, Los Angeles, CA 90071
1701 Pennsylvania Ave NW, Ste 200, Washington, DC 20006



Confidentiality: The information transmitted herein is intended only for the person(s) or entity to which it is addressed and may contain confidential material and/or it may constitute an attorney-client communication that is privileged at law. Any review, or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited. If you received this electronic mail transmission in error, please contact the sender and delete the material from your computer without copying it. Thank you for your cooperation. This transmission is neither intended, nor shall it be construed, to provide legal advice, create an attorney-client relationship, or include my signature.

Texas Notice: I am not a Texas lawyer licensed to practice Texas state-specific law, such as oil and gas legal matters, and may not give advice or accept fees regarding Texas law that is unrelated to tax matters. I may, however advise on matters associated with the Texas Franchise Tax since it is part of annual tax compliance and ancillary to your U.S. federal income tax return. In addition, I may advise on Texas trusts and estate matters as they relate to past, current, or future U.S. estate tax exposure.

Legal Disclosure: Any tax advice contained in this communication, including attachments, was not written to be relied upon as legal advice for the purpose of avoiding tax-related penalties under the Internal Revenue Code. If you would like a written tax opinion upon which you can legally rely for the purpose of avoiding penalties, please request one.

From: Kleine, Benjamin <bkleine@cooley.com>
Sent: Thursday, July 13, 2023 12:06 AM
To: John Anthony Castro, J.D., LL.M. <j.castro@castroandco.com>
Subject: Castro v. John Doe 1 - Wikimedia subpoena

You don't often get email from bkleine@cooley.com. [Learn why this is important](#)

Mr. Castro,

Cooley LLP represents Wikimedia Foundation, Inc. in this matter. Please find attached Wikimedia's objections to your subpoena.

Regards,
Ben Kleine

Benjamin H. Kleine
Cooley LLP
3 Embarcadero Center, 20th Floor

San Francisco, CA 94111-4004

Office: +1 415 693 2022 • Fax: +1 415 693 2222 • Mobile: +1 415 216 7636

Email: bkleine@cooley.com • Website: www.cooley.com/bkleine • www.cooley.com/litigation

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.